

MICHIGAN AERONAUTICS COMMISSION

Minutes of Meeting
Kalamazoo, Michigan
September 15, 2004

Pursuant to Section 31 of Act 327 of the Public Acts of 1945, the Commissioners of the Michigan Aeronautics Commission (MAC), created by said act, met in Ballroom II, Radisson Plaza Hotel and Conference Center, 100 W. Michigan Avenue, Kalamazoo, Michigan, on Wednesday, September 15, 2004, commencing at the hour of approximately 10:00 a.m.

Members Present

Sidney Adams, Jr., Chairman
Lowell E. Kraft, Commissioner
Terry Everman, Commissioner
Jim Collins, Commissioner
Gloria J. Jeff, Commissioner
Mindy Koch, Commissioner
Rob Abent, MAC Director
Pat Isom, Legal Counsel
Barbara Burris, Analyst

Members Absent

Eric V. Smith, Commissioner
John Ort, Commissioner
Ken Heaton, Commissioner

Staff

Leon Hank, Executive Division
Ronald Seely, Airports Division
Pauline Misjak, Aviation Services Division
Gerald Edwards, Aviation Services
Steve Schultz, Aviation Services Division
David Baker, Airports Division
Mark Noel, Airports Division
Rick Hammond, Airports Division
John Pierce, Airports Division
Carol Aldrich, Airports Division

Also Present

Jim Koslosky, G.R. Ford International
Phil Johnson, G.R. Ford International
Bill Blake, AOPA
Kathy Noel, Chippewa International
Robert Selig, Capital City
Mike Lynn, Capital City
Jim Rice, Bishop International
Kent Maurer, Jackson-Reynolds
Ken Potts, Kalamazoo/Battle Creek
Harvey Setter, MAAE
Lee Scherwitz, SW MI Regional
John Chaddock, SW MI Regional
Del Fairbanks, DTW Authority
Victor Johnston, Sparta-Miller
Bill Kazen, Twin County
Jim Downer, MDOT Ret.
Mike Trout, Flint-Bishop Airport
Jon Bayless, Grand Ledge Abrams
Dan Otto, Capital City Airport
Larry Bowron, W.K. Kellogg Airport
William Gehman, Mead & Hunt

A list of all others present is attached to the official minutes.

I. OPENING REMARKS

The September 15, 2004, Michigan Aeronautics Commission meeting was called to order by Chairman Sidney Adams at 10:00 a.m. He welcomed all in attendance.

The Chairman opened the meeting with an introduction of the newest Commission member, James Collins of Marquette, appointed by the Governor to replace Dean Greenblatt for a term expiring May 27, 2008. Mr. Collins holds a commercial flight certificate as well as multi-engine and instrument ratings. From 1980 to 1985, he was a member of the Board of Directors of Simmons Airlines Inc. and served as vice president/secretary. He received a law degree from Wayne State University. From 1983 to 1991, he was a member of the Board of Control of Northern Michigan University, and served as chairman from 1987-1989. From 1985 to 2003, he served as district judge for the 96th District Court in Marquette.

The Chair asked all present to welcome Commissioner Collins. He deferred to the new Commissioner for comment.

Commissioner Collins acknowledged the Governor for his appointment. Since his appointment he has become current and has applied for his medical to start flying again.

The Chair proceeded to next item, the MAC Awards of Excellence.

II. PRESENTATIONS

Each year, the Aeronautics Commission awards two recipients, one individual and one group, with the MAC Award of Excellence, an award bestowed for outstanding contributions to aviation. This year's recipients of the MAC Award are Hans Schuler (individual) of Marshall and the Cherry Capital Airport Authority (group).

The Chair noted that Mr. Schuler has been a life-long friend to the aviation community. As a business owner and community leader, he has fostered and supported aviation through a variety of activities, including the hosting of safety and education seminars, supporting the improvement of the Marshall Brooks Field, and encouraging aviation tourism in Michigan.

In a brief ceremony, a walnut plaque was presented to Mr. Schuler by Chairman Adams, Director Abent, and Commissioner Jeff. Director Abent read from the plaque:

In recognition of a commitment to promoting and fostering aviation in Michigan as evidenced by your enduring contributions as a business leader, airport advocate, and aviation enthusiast. Your support for the improvement of Brooks Field, encouragement of air travel in Michigan, and service to the aviation community by hosting aviation safety events is greatly appreciated.

Upon acceptance, Mr. Schuler remarked on the privilege of hosting many people from throughout the Midwest, particularly from the aviation community. The airport, he noted, is vital to the community and its economic growth.

The Chairman announced the winner of the group MAC Award, Steve Cassens, Airport Manager, Cherry Capital Airport, and the Northwestern Regional Airport Commission. He provided a brief overview of the projects completed at the Cherry Capital Airport:

Work on the new airline terminal complex started over ten years ago when the airport was faced with growing passenger levels from the northwestern area of the state and the lack of space to expand at the present location.

The project was built with a combination of federal funds, state funds, and local airport funds. Unlike many airports, Cherry Capital Airport has no local millage going towards the operation of the airport.

The design for the terminal was selected to fit into the Traverse City area character using brick, cherry wood, and glass as prominent features. Many of the trees and natural features of the area were left in place so passengers arriving at the new terminal would feel "up north."

At 115,000 square feet, the new terminal will provide over 2-1/2 times the space of the old terminal.

The events of 9-11 created new challenges. Halfway through construction, the newly created Transportation Security Administration gave notification that all future checked baggage would need to be electronically checked. The Airport Commission decided to take a one-year delay in opening the building to add a baggage wing that would integrate the most modern system of baggage control available. When the new terminal opens this fall, the Cherry Capital Airport will be only the 9th airport in the nation with a fully integrated system.

The \$50 million terminal complex has provided jobs for construction companies and affiliated workers in northern Michigan.

Currently, Cherry Capital Airport provides direct airline service to Detroit, Chicago, Minneapolis/St. Paul, and Cincinnati via Northwest Airlines, American Eagle, United Express and Delta Connection.

In a brief ceremony, a walnut plaque was presented to Mr. Cassens and Mr. Steven Beeker of the Northwestern Regional Airport Commission by Chairman Adams, Director Abent, and Commissioner Jeff. Commissioner Jeff read from the plaque:

In recognition of contributions and leadership in the development of the new airline terminal building, improvements to the Cherry Capital Airport, and for your enduring efforts to expand air service and connect Michigan citizens to destinations throughout the world.

In acceptance remarks, Mr. Cassens noted that the project to upgrade the terminal spanned a period of eleven years, the last three being construction. The airport is one of nine in the country to have an in-line baggage check system. He extended an invitation to everyone present to visit and experience the up-north feel of the facility. He praised the many individuals involved in the project; in particular, the staff of the FAA, Great Lakes Region, the ADO, particularly Jim Opatrny, and the staff of the Bureau of Aeronautics, all of whom came together to accomplish the project. Mr. Cassens also praised the architect, RS&H, and Peckham Engineering.

Mr. Beeker, representing the Northwest Regional Airport Commission, acknowledged with gratitude the MAC's support.

III COMMISSION BUSINESS

A. Minutes of July 28, 2004

The Chair entertained a motion to approve the minutes of the July 28, 2004 meeting.

Whereupon, a motion was made by Commissioner Everman, with support from Commissioner Kraft, to approve the minutes of the meeting of July 28, 2004. There being no changes, nor corrections requested, by unanimous voice vote, the MOTION CARRIED.

Proceeding to the next item of business, the Chairman called on David Baker, Funding Manager, to present the 18 projects under consideration.

B. Airport Development Program

With the aid of slides, Mr. Baker provided an overview of the 18 projects meeting the funding criteria.

FEDERAL/STATE/LOCAL AND STATE/LOCAL PROJECTS

Location	Total Allocation	Project Description
Southwest MI Regional Benton Harbor	\$ 5,555,555	Land acquisition
Southwest MI Regional Benton Harbor	\$ 125,000	Construction of replacement of terminal roof
Tuscola Area Caro	\$ 95,000	Fencing
Cheboygan County Cheboygan	\$ 220,000	Design of partial parallel taxiway and SRE front-end loader with attachments
Willow Run Detroit	\$ 5,202,866	Remove old runway 18/36, install airfield lighting
Dow Memorial Frankfort	\$ 200,850	Land acquisition
Livingston County Howell	\$ 70,000	Land acquisition consultant costs
Gogebic Iron County Ironwood	\$ 56,000	Supplemental for Environmental Assessment of crosswind runway
Jackson County-Reynolds Field Jackson	\$ 43,000	Groundwater monitoring well installation and sampling
Capital City Airport Lansing	\$ 526,316	Construction of perimeter road, RSA correction for runway 6/24, and environmental coordination
Sawyer International Marquette	\$ 744,617	Supplemental for ARFF/SRE building (phase II) and design of runway 01/19 RSA improvements
Sawyer International Marquette	\$ 1,389,474	Rehabilitation of hangars 664, 665, and 667, and design of hangar insulation and electrical system analysis and improvements
Mason Jewett Field Mason	\$ 224,000	Design and construction of rehabilitation of airport entrance road, parking lot and taxiway 2, replacement of rotating beacon and tower
Presque Isle County/Rogers City Rogers City	\$ 75,000	Land acquisition

Romeo State Romeo	\$ 137,000	Hangar door headers and rehabilitation of taxi streets
Sandusky City Sandusky	\$ 157,895	Relocation of hangars inside of building restriction line
Paul C. Miller-Sparta Sparta	\$ 183,800	Land acquisition consultant costs
Cherry Capital Traverse City	\$ 3,405,034	Construct ARFF/security building

With respect to the Livingston County Airport project, et al, Commissioner Kraft noted that the local and state share had changed from a 95/5 percent federal/state to 95 percent federal/2.5 percent state/2.5 percent local. He inquired as to the mechanics for these apportionments.

Mr. Baker explained that the changes result from new federal legislation, known as *Vision 100*, which authorizes the continuation of the Airport Improvement Program and changes the federal program from 90 percent federal/10 percent local, resulting in Michigan picking up 50 percent of the local match, to a 95 percent federal/5 percent local, with the state again picking up half. The new legislation took effect with federal FY 04 appropriations; however, state legislation which allows for the provision of state funds was still at the 5 percent level. Recent changes to state legislation via a supplemental appropriations bill allow for a 2.5 percent local match. In 2003, the federal government provided funding at 90 percent; in 2004, 95 percent. The level of appropriation (95 percent/5 percent versus 95/2.5/2.5) is dependent on the source of federal dollars. The level is contingent on the federal appropriations year.

Commissioner Jeff offered further explanation; that is, that a lag was created between the change in the federal legislation and the state legislation; that because of that lag in the matching requirements, projects were caught between the federal funding and the subsequent catch-up on the part of the state. She added, by the end of FY 04, most of these appropriations will have been expended.

Upon completion of the transfers, Mr. Baker transitioned to the supplemental funding requests approved during the interim by Director Abent in accordance with the policy on supplemental funding:

Charlevoix Municipal, Charlevoix: A five (5) percent increase in both state and local funding resulting from various quantity adjustments, including relocation of a segment of an existing water service line encountered during excavation, thereby increasing the total project cost to \$947,300.

Harbor Springs Municipal, Harbor Springs: A four (4) percent increase in local funding, resulting from the addition of a taxiway connector deemed ineligible for state funding, thereby increasing the total project cost to \$726,185.

Gogebic-Iron County, Ironwood: A seven (7) percent increase in federal/state/local funding, resulting from higher than anticipated costs for environmental work, thereby increasing the total project cost to \$543,859.

Muskegon County, Muskegon: A one (1) percent increase in federal funding, resulting from the recovery of federal funds from a previous grant, thereby increasing the total project cost to \$2,669,244.

Statewide: A thirteen (13) percent increase in state/local funding for the 2004 Pavement Crack Sealing program, resulting from the addition of two airports (Roscommon Conservation Airport and Garland Airport), thereby increasing the total program cost to \$225,000.

Statewide: An eight (8) percent increase in state/local funding for the 2004 Paint Marking program, resulting from the addition of two airports (Detroit Willow Run and Garland), thereby increasing the total program cost to \$168,000.

Whereupon, a motion was made by Commissioner Kraft, with support from Commissioner Jeff, to approve the transfers outlined by Mr. Baker. By unanimous voice vote, the MOTION CARRIED.

The Chairman noted that no official action is required on the supplemental transfers. He called on Steve Schultz, Manager of the Facilities Section, Aviation Services Division, to introduce the next item.

C. AWOS Installations, FY 05

Due to past budget constraints, the last All-Weather Observation System (AWOS) was installed in 2001. Through the use of federal entitlements and state funds, however, staff of the bureau is currently in the process of installing six AWOS systems at airports around the state, bringing the total installations to 35. Staff recommends the installation of weather systems at four additional airports. Each will be funded through the state/local program. The four airports are described as follows:

- Drummond Island Airport, Drummond Island - A tier 1, licensed general utility airport.
- Memorial Airpark, Grand Haven - A tier 1, licensed general utility.
- Romeo State Airport, Ray - A tier 1, licensed general utility.
- Three Rivers Municipal, Dr. Haines Airport, Three Rivers - A tier 2, licensed general utility.

All four airports will become all-weather accessible with the installation of AWOS systems. Upon Commission approval of these sites, requests for transfer will be brought to the Commission in November.

Mr. Schultz noted that the approval process for placement of a weather system begins with the airport expressing an interest in having such a system. Staff then makes a cursory evaluation to determine eligibility.

Fremont Municipal Airport in Fremont has also expressed an interest, and a determination has been made that the airport meets the requirements for installation.

Mr. Schultz asked the Commission for its approval to add Fremont to the list of airports to receive an all-weather airport access system. With the Commissioners' approval, staff will commence research to determine a suitable location for an AWOS system. If a suitable location is determined, documentation will be forwarded to the FAA for construction approval. Once funding is determined and any environmental issues resolved, staff will return to the Commission for approval to install the system at Fremont.

Mr. Schultz asked the Commission for its approval to proceed with recommendations to install AWOS systems at the four airports identified (Drummond Island, Memorial Airpark, Romeo State Airport, Three Rivers Municipal-Dr. Haines) and to add Fremont Municipal to the all-weather plan for future consideration.

Whereupon, a motion was made by Commissioner Kraft, with support from Commissioner Jeff, to approve the sites described by Mr. Schultz for the installation of AWOS systems. By unanimous voice vote, the MOTION CARRIED.

Chairman Adams called on Pat Isom, Assistant Attorney General-Transportation, to address the next item for discussion.

IV DISCUSSION

A. Administrative Rules RE: Seaplanes

Mr. Isom, Counsel for the Commission, provided a report on a recent decision of the Michigan Supreme Court in regards to an administrative rule adopted by the Commission with respect to seaplanes. Mr. Isom's report is paraphrased as follows:

Approximately seven years ago, the Aeronautics Commission was asked to clarify the law with respect to where seaplanes may take off and land, and specifically, to prevent local municipalities from passing or enforcing ordinances that would restrict the operation of seaplanes. A great deal of study and effort went into developing an administrative rule.

The rule was ultimately promulgated. It defined where seaplanes may land and take off (essentially, navigable waterways that are suitable for this purpose). With respect to local ordinances, the rule did not override local ordinances; rather, it set forth a procedure under which local ordinances could be overridden.

The city of Lake Angelus, which had been involved in litigation over its local ordinance, sued the Aeronautics Commission, claiming the rule adopted by the Commission allowing it to override local ordinances was beyond the Commission's statutory authority. The city of Lake Angelus won in the circuit court. The Court of Appeals affirmed the trial court's decision and agreed that the Commission did not have authority to override local ordinances.

Most recently, the state sought to have the Michigan Supreme Court consider the case and to grant an appeal. The Supreme Court, without reviewing the merits of the case, denied a request to consider an appeal. As a result, the Court of Appeals decision is final. The Commission may not enforce a seaplane rule that has been held to be invalid.

Mr. Isom asked for direction from the Commission. He advised that the Commission would need to pursue legislation that clearly and expressly states that local ordinances can be overridden by the Aeronautics Commission.

Commissioner Kraft advised that the issue had been discussed at length at a recent meeting of the General Aviation Committee and that the consensus believed the ruling diminished the Commission's authority. For that reason, the Committee voted to recommend to the Aeronautics Commission that legislative efforts be undertaken to address the concerns cited by the court. He queried whether other state agencies in general had authority to override local ordinances.

Mr. Isom advised that there is not a blanket statute that grants state agencies the power to override local ordinances; that in fact, the courts have held that such authority must be clearly stated. To the contrary, many state agencies are required (in the conduct of their business) to comply with local ordinances.

Sharing the view of the G.A. Committee, Commissioner Kraft asserted that further erosion of the Commission's authority should not be allowed. He noted that the rules adopted by the Commission were rules as opposed to statute, which may have carried more weight in the courts. At this juncture, Commissioner Kraft deferred to Jim Downer from the audience to recount the process in developing the seaplane rule.

Commissioner Kraft advised that the G.A. Committee was emphatically opposed to any further erosion of the Commission's authority with respect to this issue.

Returning to the agenda, the Chairman called on Kenneth Potts, Airport Manager, Kalamazoo/Battle Creek International Airport for an update on the airport.

B. Update on the Kalamazoo/Battle Creek International Airport

Mr. Potts welcomed the guests in attendance. With the aid of Power Point, he provided an overview of the projects currently way and future plans for the airport. His report is paraphrased as follows:

The Kalamazoo/Battle Creek Airport handles 42 daily flights, 40 of which are jets, going to four hubs; Detroit, Minneapolis-St. Paul, Chicago, and Cincinnati. Plans for a new terminal have been progressing for some 14 years, with particular emphasis on safety, and include the construction of a one-way ring road, the acquisition of additional land, relocation of the rental return lot, expansion of the parking lot, installation of a pedestrian canopy, and replacement of the exit plaza.

Through a series of slides, Mr. Potts illustrated the requirements for the new terminal, which include expansion of the baggage claim area, a security check point, ticket lobby, emplaning and deplaning areas, and ramp. A jet bridge will be constructed for each airline. He talked about the considerations that influenced the design of the new terminal, based on a desire to reflect southwest Michigan and a feeling of flight (sharing artist's rendering):

- ➔ community gateway
- ➔ community pride
- ➔ economic development tool
- ➔ customer conveniences
- ➔ environmentally responsible

Special features of the new terminal will be a *water element* and informational kiosks.

The cost of the terminal building is estimated at \$18.1 million; the baggage conveyors at \$1 million; new loading bridges at \$3.5 million; access roads at \$5 million; and architectural engineering fees at \$5.7 million, for a total estimated project cost of \$32.7 million. The project will be funded through AIP funds, airport funds, state grants, and revenue bonds, as well as private sponsors. No general funds or local taxes will be used to fund the project. All construction is anticipated to be completed within approximately 14 months.

In addition to the terminal project, plans are under way to replace the control tower, which will be rendered obsolete by the construction of the new terminal. The FAA is currently seeking to hire a consultant to design the new tower. New T-hangars will be constructed as well.

Funding provided through a Small Community Air Service Development Grant will enable the airport to offer non-stop service to Atlanta in the near future.

Upon conclusion, Mr. Potts entertained questions from the audience.

The Chairman thanked Mr. Potts and proceeded to the next item.

C. Director's Report

In the interest of time, Director Abent deferred full reporting to a future date. He called on Pauline Misjak, Administrator, Aviation Services Division, to present a 20-year service award to Steve Schultz. Ms. Misjak and Mr. Schultz advanced to the podium.

Ms. Misjak highlighted Mr. Schultz' 20-year career with MDOT. Her remarks are paraphrased as follows:

As manager of the Electronics Facilities Section, Mr. Schultz oversees the development and implementation of the All-Weather Airport Access Program. His section also maintains the four state-owned NAVAIDS and performs installation and maintenance of avionics equipment in state aircraft. Mr. Schultz holds two associate's degrees and several specialized certifications from the FCC and the FAA. He is certified to perform AWOS maintenance and annual inspections. Mr. Schultz was instrumental in the initiation of the state's All-Weather Airport Access Program. By 2004 year's end, 35 AWOS, 49 pilot weather briefing stations, and 29 ground communications outlets will be fully operational.

Ms. Misjak presented a certificate, signed by Director Jeff, recognizing Mr. Schultz for 20 years of distinguished service. A service award will follow.

Director Jeff congratulated Mr. Schultz for "a job well done."

V. PUBLIC COMMENT

Chairman Adams opened the floor to public comment. He recognized Mr. Lee Scherwitz, Director, Southwest Michigan Regional Airport.

Mr. Scherwitz thanked the Commission and the bureau for its support of a project spanning some 12 years. He invited the Commissioners to visit the airport and "experience the synergy" between the airport and the community, which has worked closely together to relocate 225 families impacted by the project. Fifty families have been relocated. Of those 50, 15 have become homeowners. He thanked the Commission for its support.

VI REPORTS

The Chairman called on Tom Krashen, Aviation Services Division, to present a report on the new rules governing light sport aircraft.

A. Light Sport Aircraft Rules

With the aid of PowerPoint, Mr. Krashen briefed the Commission on rules pertaining to light sport aircraft, implemented by the Federal Aviation Administration on November 1, 2003.

Mr. Krashen's report, which he characterized as the most sweeping amendments to the regulations in recent years, is inserted into the record as follows:

SPORT PILOT/LIGHT SPORT AIRCRAFT

After nearly a decade of work, the much-anticipated Sport Pilot/Light-Sport Aircraft rule has been published by the Federal Aviation Administration. The most significant parts of the new regulation are the creation of a new category of aircraft—Light-Sport Aircraft—and a new level of pilot certificate—Sport Pilot. In addition, new repairman certification, medical requirements, and many new definitions are included in the rule.

Ultralight aircraft, which are regulated under FAR Part 103, are unaffected by this rule. However, the existing exemption allowing flight training in two-place ultralights will be phased out.

The new rule is quite complicated and affects many parts of the Federal Aviation Regulations (FARs). In this article we will try to give readers an overview of some of the more significant provisions of the rule.

LIGHT SPORT AIRCRAFT

Light-sport aircraft are small, simple, low-performance, low-energy aircraft. According to the rule, "light-sport aircraft" may be certified in the following categories: airplanes, gliders, gyroplanes, balloons, airships, weight-shift-control, and powered parachutes. Helicopters and powered lift aircraft are excluded because of their complexity. The two new categories, weight-shift-control and powered parachutes, are also defined in the rule.

Light sport aircraft must meet the following conditions:

- 1,320 pounds maximum takeoff weight (1,430 pounds for seaplanes)
- No more than two occupants, including the pilot

- A single non-turbine engine
- Maximum stall speed (without lift enhancing devices) of 45 knots
- Maximum airspeed in level flight of 120 knots
- Fixed landing gear (except for gliders and sea planes)
- Fixed pitch propeller (except for powered gliders)

Light-sport aircraft will be certified under one of two new categories: "Special Light-Sport Aircraft" or "Experimental Light-Sport Aircraft."

Special Light-Sport Aircraft can be manufactured and sold ready-to-fly. Rather than being required to meet FAR Part 23 certification standards (as is required for aircraft certified in the standard category), they must be built to joint FAA and industry "consensus standards." Special Light-Sport Aircraft may be used for sport and recreation, for compensation during flight training, and for aircraft rental.

Experimental Light-Sport Aircraft certificates are for aircraft which are built from plans or a kit. Owners of ultralight-like aircraft which do not meet the requirements for ultralight vehicles may also apply for an Experimental Light-Sport Aircraft until September 30, 2007. Experimental Light-Sport Aircraft may be used for sport and recreation but only for flight instruction for the aircraft owner.

Several aircraft which currently hold standard airworthiness certificates meet the definition of light sport aircraft and may be flown by sport pilots. This includes such airplanes as some Piper Cubs, Aeronca Champs, Taylorcraft, and others. These aircraft will retain their current airworthiness certificates.

Again, the rules governing ultralights remain unchanged. FAR Part 103 defines an ultralight vehicle as being single occupant, having an empty weight of no more than 254 pounds (155 if unpowered), having a fuel capacity of no more than five gallons, a maximum level flight speed of 55 knots, and a power-off stall speed of not more than 24 knots.

SPORT PILOTS AND FLIGHT INSTRUCTORS

Prior to this rule the FAA issued five levels of pilot certificates: Student, Recreational, Private, Commercial, and Airline Transport. A sixth level—Sport Pilot—is now available. The rule sets forth eligibility, training, and testing requirements as well as operating privileges and limitations for the new certificate.

To be eligible for a Sport Pilot Certificate, applicants must:

- Be 17 years old (16 for gliders)

- Hold a current U.S. driver's license or a valid FAA medical certificate
- Receive and log ground and flight training
- Meet the aeronautical experience of 20 hours total flight time, 15 hours flight instruction, and 5 hours solo flight time
- Pass FAA written and practical tests

The FAA-issued sport pilot certificate will be issued without specific category, class, or make and model ratings. Training and logbook endorsements are necessary for each category, class, or "set of aircraft" in which a sport pilot desires privileges. Airplane, glider, and powered parachute are examples of different categories of aircraft. Airplane single-engine land and airplane single-engine sea are examples of different classes within a category. FAA regulations define "set of aircraft" as "aircraft that share similar performance characteristics, such as similar airspeed and altitude operating envelopes, similar handling characteristics, and the same number and type of propulsion systems."

Sport pilots will also be subject to certain operational restrictions. A sport pilot is prohibited from acting as pilot in command:

- At night
- In Class A airspace (above 18,000 feet)
- Into Class B, C, or D airspace without additional training and an endorsement
- Outside the United States without advance permission from another country
- On sightseeing flights with passengers for charity fundraisers
- Above 10,000 feet
- In an aircraft with a maximum speed in level flight of more than 87 knots, without additional training
- When the flight or surface visibility is less than three (3) statute miles
- Without visual reference to the earth's surface (no VFR on top)
- Contrary to any limitation on the pilot certificate, driver's license, medical certificate, or logbook endorsement
- While carrying passengers or property for hire
- As an aircraft salesperson to demonstrate the aircraft to a prospective buyer
- While towing any object

A current pilot with a recreational certificate, or higher, may fly a light-sport aircraft without additional training providing it is of the same category and class for which they are rated. If privileges are sought in a different category or class, flight training and a logbook endorsement are required.

Additionally, a new flight instructor certificate—Flight Instructor-Sport Pilot—has been created. As with the sport pilot certificate, applicants will be required to pass written and practical tests.

MEDICAL CERTIFICATION

Among the most fought-for provisions of the new rule is that which allows sport pilots to use a valid U.S. driver's license in lieu of an FAA medical certificate. The following conditions apply when using a driver's license as evidence of medical qualification:

- Restrictions on the driver's license apply (this includes any judicial or administrative order applying to the operation of a motor vehicle)
- A previous application for at least a third-class medical must not have been denied
- Holders of medical certificates must not have had their most recent certificate revoked or suspended
- Any authorization for special issuance of a medical certificate must not have been withdrawn
- The pilot must not know, or have reason to know, of any medical condition that would make him or her unable to operate a light sport aircraft in a safe manner

The conditions outlined above have created a "Catch-22" regarding medical certification that is currently the source of some confusion and controversy. Pilots who have previously been found ineligible for a medical certificate would not be able to exercise sport pilot privileges since they have a "known medical deficiency." Ironically, another individual with a similar condition who has never applied for a medical certificate would be able to fly with a valid driver's license.

MAINTENANCE

Along with the new categories of airworthiness and levels of pilot certificate the rule also creates a new Repairman Light-Sport Aircraft certificate which will be issued with either a maintenance or inspection rating. An inspection rating requires the completion of a 16-hour course on the inspection requirements of a particular class of light-sport aircraft. For a maintenance rating applicants must complete a 120-hour course of training (104 hours for weight shift or powered parachute or 80 hours for glider or lighter-than-air) on the maintenance requirements for the applicable class of aircraft.

All light sport aircraft are required to have an "annual condition inspection." This inspection may be performed by a repairman with an inspection rating only on an aircraft which is owned by that individual. In order to perform maintenance on light-sport aircraft owned by others, a repairman certificate with a maintenance rating is required.

Finally, much like standard category aircraft, light-sport aircraft which are operated for hire are required to undergo an inspection every 100 hours of flight time in addition to the annual condition inspection.

MORE INFORMATION PLEASE

The Sport Pilot/Light-Sport Aircraft rule represents one of the most sweeping regulatory changes in recent FAA history. It is most notable since it brings an entirely new community of aircraft owners and pilots under the FAA's aegis. As the rule is implemented, surely many questions will arise. Readers are encouraged to obtain a copy of the complete rule for personal study.

Additional information including access to the entire rule as well as lists of frequently asked questions can be obtained from these sources:

- Federal Aviation Administration: www.faa.gov/avr/afs/sportpilot/overview.cfm
- Experimental Aviation Association: www.sportpilot.org
- Aircraft Owners and Pilots Association: www.aopa.org
- Aero Sports Connection: www.aerosports.org

Finally, those who desire more information are encouraged to attend one of the seminars to be conducted on the subject by the Michigan Department of Transportation. Please check our web site at www.michigan.gov/aero for a complete listing of aviation safety programs.

ETC.

These revised exemptions from certain provisions of 14 CFR part 103 contain an expiration date of January 31, 2008. This date coincides with the date established to transition existing ultralight training vehicles, single and two-place ultralight-like aircraft, and ultralight operators and instructors to the provisions of the final rule.

The rule provides a 5-year period during which persons may continue to operate their two-place ultralight-like aircraft and receive compensation for flight training, provided those aircraft are certificated as experimental light-sport aircraft. The FAA expects that in the long term, instructors operating light-sport aircraft previously classified as two-seat ultralight-like aircraft will provide instruction at a lower cost and with greater safety.

Mr. Krashen entertained questions from the Commissioners/audience. Hearing none, the Chairman called on Commissioner Kraft for a briefing on the General Aviation Committee meeting held October 25, 2004.

B. General Aviation Committee Report

Commissioner Kraft's report on the meeting of August 25 is paraphrased as follows:

The Heritage Airpark, a privately owned, open-to-the-public airport, associated with the city of Linden, is an *airport preservation success story*. A grand opening, attended by the Chairman and himself, was held August 22. The state acquired the airport some five years back when its owners decided to retire and the Commission was approached by investors, including Cody Welch, G.A. Committee member, concerning a joint venture to purchase and develop the land surrounding the airport if the state would purchase the airport proper (runway, taxiway, ramp, terminal, and access to roadway). The Heritage Airpark, as it is now known, has a number of new homes with attached hangars. The partnership between the state and private investors has resulted in a win-win situation for the airport.

With respect to the Wilderness Airpark, approximately two years ago staff of the bureau came before the MAC with a request that trees adjacent to the Wilderness Airpark in Kent County be declared a nuisance. Previous neighbors of the airport had been maintaining trees and keeping approaches clear. Following sale of the adjacent property, however, the new owners failed to maintain the approaches.

Airport owners approached the bureau with a request that the trees be declared a hazard, a necessary step to any legal action. Staff advised the owners that should their action fail, the bureau would have no recourse but to take action against the airport. Owners elected to go forward and have the trees declared a nuisance. Litigation ensued, and the court ruled in favor of the airport. Adjacent property owners were ordered to trim the trees at their cost and to reimburse the airport for court costs. The circuit court's decision is binding only on the immediate case. Commissioner Kraft praised the court's ruling, stating it will allow the state the ability, in certain cases, to protect approaches. Litigation, he added, is not necessarily the best approach; purchasing additional land or easements would have been preferred over legal action. No appeal is anticipated.

At the Commission meeting held July 28, discussion ensued concerning the need for a heliport in downtown Detroit to be used in conjunction with the 2006 Super Bowl. The NFL subsequently reversed its position. Commissioner Kraft advised that the need for a downtown heliport still exists; however, the one at Cobo Hall is in disrepair and would require major renovation and considerable expense. Staffs of the bureau are reviewing alternate sites.

At this juncture, the Chairman declared a five-minute recess.

VII ELECTION OF OFFICERS

Following the recess, the Chairman announced that he would recuse himself from the elections; that the chairman of the Nominating Committee, Ken Heaton, was not in attendance. He advised that the third member of the committee, former Commissioner Dean Greenblatt, had been replaced by Commissioner Collins, leaving only Commissioner Heaton on the Nominating Committee. He called on Commissioner Everman.

Whereupon, Commissioner Everman moved to increase the Nominating Committee to three members. The motion was supported by Commissioner Jeff. By unanimous voice vote, the MOTION CARRIED.

An additional motion was made by Commissioner Everman to amend the By-laws to allow an officer to serve a single consecutive term. The motion was supported by Commissioner Jeff. By unanimous voice vote, the MOTION CARRIED.

For clarification purposes, Commissioner Jeff explained that by their votes the Commissioners were supporting a potential amendment to the By-laws. A final action by the members of the Commission will occur at the next meeting, scheduled for November 17, 2004.

The Chairman announced that he would appoint two additional members to the Nominating Committee.

At this juncture, Director Jeff addressed the members of the Michigan Association of Aviation Executives. She praised the long-standing partnership between MDOT and the MAAE, adding "the department looks forward to working with the MAAE as it addresses the needs of the aviation community and examines the sphere of influence that transportation and aviation, in particular, has, as well as the economic well-being and the quality of life for many of the communities in the State of Michigan."

There being no further business to come before the Commission, the Chairman declared the meeting adjourned.

The meeting concluded at approximately 11:35 a.m.

The next meeting of the Michigan Aeronautics Commission will be held in the Aeronautics Auditorium on November 17, 2004, commencing at the hour of 10:00 a.m.



Director

Dated: 12-15-04



Chairman